

The Salisbury Planning Board held its regular meeting on Tuesday, May 13, 2003, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Sean Reid, Rodney Queen, Fred Dula, Lou Manning, Jerry Wilkes, Sandy Reitz, Ken Mowery, Jeff Smith, Eldridge Williams, Len Clark, Brian Miller

ABSENT: None

STAFF: Harold Poole, Patrick Kennerly, Hubert Furr, Dan Mikkelson, Patrick Ritchie, Tammy File

The meeting was called to order by Chairman Dula. The minutes of April 22, 2003, were approved as published.

GROUP DEVELOPMENT

[NOTE: Rodney Queen made the motion to remove Ken Mowery from the Board because of his association with Rowan Regional, the motion was seconded by Jeff Smith with all members voting AYE. Ken went and sat in the audience while this group development was being discussed.]

G-3-02 Rowan Regional Ambulatory Surgery Center - 522 Corporate Circle

G-16-01 Diagnostic & Physical Therapy Center- 514 Corporate Circle

Ken Mowery, of the Rowan Regional Medical Center, submitted the application for the installation of a driveway for internal connections and revision to existing parking and landscaping at the existing sites which are located at 522 & 514 Corporate Circle. All zoning criteria have been met. The Technical Review Committee recommends approval of the application, as submitted.

Rodney Queen made the motion to approve the site plan G-3-02 as submitted, Brian Miller seconded the motion with all members voting AYE.

Jeff Smith made the motion to approve the site plan G-16-01 as submitted, Lou Manning seconded the motion with all members voting AYE.

[NOTE: Sandy Reitz made the motion to bring Ken Mowery back on the Board, Brian Miller seconded the motion with all members voting AYE.]

G-5-03 Community Baptist Church- 320 Calhoun Avenue

David Roberts, of David Roberts Engineering, submitted the application for the construction of a seven thousand five hundred square foot sanctuary building and parking lots at the existing church at 320 Calhoun Avenue. All zoning criteria have been met. The Technical Review Committee recommends approval of the application, as submitted.

Jeff Smith- asked if the driveway goes all the way thru ?

Hubert Furr explained that Technical Review Committee had discussed cut-through traffic and said if the church had it they could put up a gate to stop it. Technical Review Committee liked the driveway.

Sean Reid made the motion to approve the site plan as submitted, Len Clark seconded the motion with all members voting AYE.

G-6-03 First Presbyterian Church- 308 West Innes Street

Steve Fisher, for First Presbyterian Church, submitted the application for the construction of a 26,212 square foot Family Life Center at the existing church at 308 West Innes Street. All zoning criteria have been met. The Technical Review Committee recommends approval of the application, as submitted.

Rodney Queen made the motion to approve the site plan as submitted, Lou Manning seconded the motion with all members voting AYE.

G-1-73 Mitchell Avenue Medical Park- 1035 Lincolnton Road

Gray Stout, of Stout Studio/Architecture, submitted the application for the construction of a 14,000 square foot medical building and parking area at the existing site at 1035 Lincolnton Road. All zoning criteria have been met. The Technical Review Committee recommends approval of the application, as submitted.

Those speaking in favor of the group development site plan:

Gray Stout, 5 Acorn Lane – Architect for this project, detail on buildings similar to buildings built in the 1920's, green spaces along with tree street planting, exit and entrance points to make traffic go in all directions.

Robert Watts, part of the group of property owners- run out of space, more employment opportunities in the building, new entities in the building, will benefit the neighborhood and the community, the tax base that would be created by the building itself.

Boyd Watts, part of the group of property owners- concerns neighbors has is increase in traffic, there will be minimal increase in traffic because physical therapy and the pain clinic is already there. Patient turnover will stay about the same, traffic flow shouldn't change that much with the new building.

Those speaking in opposition to the group development site plan:

Al Dunn, 628 Mitchell Ave.- the Salisbury Vision 2020 Plan talks about the measures of compatibility between established neighborhoods and fringed businesses that are there, this is new or older neighborhoods. One specific proposal was no bright lights, there is already bright lights there and figure there will be more if they increase the parking area. Permitted uses that won't generate high traffic volumes, I just heard that traffic won't increase so why more parking lot and more driveways. I assume they will have to cut trees, heavily landscaped haven't seen that anywhere in Salisbury. Approving this project will help destroy even more of the buffer between the neighborhood and the business. It will funnel more traffic on Mitchell and will add more noise and light pollution to the neighborhood. This Board has always recognized the

importance of maintaining fragile strains that hold neighborhoods together especially on the borders so I request respectfully that you deny this project.

Dawn Isenberg, 721 Mitchell Ave.- The house that is adjacent to the Ro Med property is directly in front of her house. She has lived there since October of 1976. This is an encroachment. Fulton Heights neighborhood would suffer. Gone would be larger trees that block out noise and pollution there would be no buffer zone. Traffic increase is a big concern, Mitchell Avenue is the speedway cut-thru now between Fulton Street and Jake Alexander Blvd. More traffic with cars, walkers and joggers are present since the YMCA relocated. A special concern to us are the 50 children who live now on Mitchell Avenue with a few more expected. The location of dumpsters are a concern, the existing dumpster is emptied between 2:38 a.m. and 4:30 a.m. now, to the crash, booms, and bangs particularly on Thursday mornings. I observed from the site plan that I will almost have a dumpster in front of my house. The location of a third driveway entrance on Mitchell Avenue is a real hazard, the loss of grass, trees, and additional paving will result and increase run off in the area. Additional buffering and grass is needed and homeowners will certainly suffer a decrease in property value, I spoke with an appraiser in Salisbury and he said I could expect a 20,000 dollar hit on my property. The existing Ro Med building and landscaping is all that Fulton Heights neighborhood can handle. Ro Med should live with its present site or relocate as it has outgrown the premises. Fulton Heights and Mitchell Avenue in particular should not be required to provide a medical park for Ro Med.

Dee Dee Wright- I read this in the paper yesterday and was very disturbed to see the expansion. I sat in the chair where you do, now Dr. Dula, as we designed this area a Historic area of Salisbury. I would hate to see this expansion, I also feel that there would be encroachment to the neighborhood. Think it is a travesty that we would offer protection on one end and turn around and do an encroachment on the other. I sincerely ask you to deny this request.

Mike Baker, Wiley Ave.- Where does Wiley Avenue stand in all of this?

[NOTE: Hubert Furr explained that Wiley Avenue will not be opened or changed what is there will remain.]

John Burke, 328 Mitchell Avenue- See no benefit of to the city, community or neighbors. Decrease in value of property. No real need for medical center, needs to be near the hospital. Fragile neighborhood, very pleasant green space down Mitchell Avenue will be occupied by a building if this is approved. No traffic study has been done. If there is going to be no increase in patient load, why the additional parking, never seen the parking lot full. Asking the Board to turn down this application.

Debbie Hirst, 725 Mitchell Avenue- Security alarms that go off at all hours of the night, I clocked it last time and it took 45 minutes for someone to turn it off. Worry about my son's safety with the increase of traffic.

Randy Hemann, 327 Mitchell Avenue- Interesting case, well designed building, set back far enough to match other stuff in the neighborhood. Owners have a right to develop this property but yet on the other hand we have a right to protect our community. The question I

have is how is this to fit in for our vision for Salisbury as it is shown in the 2020 Plan. The one big question that I have is the extra driveway on Mitchell Avenue and I would quote to you policy C-10 “the City shall encourage the consolidation of commercial driveways onto major streets and the connection of adjacent parking lot”. We need more buffer if we are going to have something built there. I think of all the kids that are two or three years old and all the traffic that is already on this street and would hope this is something we could look at and make better for the safety of these children.

John Isenberg, 721 Mitchell Avenue- Was one of the original Presidents of Fulton Heights Association. This area wasn't zoned anything in the 80's we worked hard to get every single home zoned single family residential. Have been before the Planning Board before because other properties adjacent to it they have asked for moving into those properties also. We wanted to protect the neighborhood. Nothing is stationary, always pleading our case before the Planning Board. Could there be another way, is this the place they have to have it no matter what?

Daniel Gonzales, 701 Mitchell Avenue- Have lived on Mitchell Avenue for 15 years. Dramatic increase of traffic since the YMCA opened, every morning, every evening and lunch time you see walkers, joggers, and strollers coming down the up and down the sidewalks. It just isn't in the interest of the neighborhood but I think for all the members of the Y who choose to walk thru the neighborhood that this can have an adverse effect on them too.

Diane Dillion, with Historic Salisbury Foundation- We have always and will continue to support neighborhoods and what they are wanting. Would like to commend Gray for his concept that he was trying to do a design that was compatible with the era that Fulton Heights was developed in. We do have issues with the amount of parking, the placement of the dumpsters, the lights, the third driveway. We do support the neighborhood and would encourage you to think long and hard before you except this.

There were 7 who stood in favor of the proposed site plan and 34 who stood that were opposed.

Brian Miller- Wanted to know if that was the minimum parking that was required by ordinance or is that just what the developer wanted to put in ?

Hubert Furr- The parking requirements for the new building is 70 spaces. They are adding 97 spaces making the total 181 parking spaces. There would be 14 extra spaces on that parcel, this is considered two parcels.

Sean Reid- Seems like this is a repeat from about a year ago. When you look at this site plan I guess the first thing that comes out to me is the extension of the parking lot. Thinks the original site plan was set up for specific reason, for that reason alone you see encroachment. You are going to have more lighting which is going to have a direct effect on the neighborhood. Increasing parking spaces only tells you that there is going to be more traffic, you have three driveways going out to Mitchell Avenue. I don't see how you can expect to have less traffic even if you condense your time. The site plan in general is not compatible with the neighborhood and the biggest reason I think you should turn this plan down it destroys the character of the

neighborhood. The YMCA has already brought in more traffic, those that go to the Y know that is one of the best cut- thru to get there. Just as a member of the Board I don't see how we can pass this.

Sandy Reitz- Mr. Stout and the owners of this property have certainly done an awful good job with what they have in this neighborhood. Feel like this is an encroachment and for that reason I will have to vote against it.

Rodney Queen- This is probably one of the days I wished I would have stayed home. Feel like there are a couple of comments that are worth bringing to the attention of the people and the Board. Trying to make a fair decision, when the rezoning of the white house on Lincolnton Road came before us as a buffer to the neighborhood and they were seeking rezoning we denied that and it was a easier step to do to protect the neighborhood. When the two duplexes on Maupin came before us for rezoning to do an apartment building we denied that rezoning because it was a favorable thing to do to protect the neighborhood. What we have before us today is someone trying to utilize property that already zoned to do what they are doing. They have met all the guidelines within that zoning. I feel a need to be fair but also feel a need to protect the neighborhood. We have worked on this situation where we are trying to bring Salisbury 2020 in to play where we can have the rezoning issues where we can give better protection to the neighborhoods. We haven't reached that point, and it is difficult not to be fair to people who have property rights. Feel like this is just a situation where encroachment on the neighborhood makes it very difficult to reach a decision. One of the things that Mr. Hemann brought out was perhaps more buffering, with all the design criteria that is going forward in this thing is there a opportunity for more buffering ? Is there a opportunity that there be some changes or compromises that would allow them to expand and use their property and also make the neighborhood more comfortable with what is going on so there wouldn't be a major encroachment.

Jeff Smith- Made almost the same notes as Mr. Queen made about this. Board has stood pretty hard about rezoning the property on Lincolnton Road and Maupin Avenue. I look at this I have concerns, dumpster location, parking totals. No one really talked about the parking out from of Ro Med that additional parking out there is another concern I had and the third driveway. Also think that their maybe some opportunities to do something else with this as I am looking at it. Don't know if the owners, architect would be willing to come back and look at it. Think there is still something where we could protect the neighborhood, think the whole of Fulton Heights. Think Gray Stout has done a wonderful job with the landscaping, never seen so many trees pushed into one area into a site plan. Not ready to give up on concept of the building in this area but I think there is a lot of improvement we could make if we send it to a committee and look at it.

Jeff Smith made the motion to send this to a committee, Rodney Queen seconded the motion with all members voting AYE.

Brian Miller – Just a comment as a resident of the neighborhood, I will be voting to send this to committee. Think that the design is compatible, don't like the fact that there is more parking than there needs to be, don't like the fact that the dumpsters are where they are located.

Do think that there could be a compromise that could be worked out, think part of our job here as at Planning Board is to make those efforts if we can. If the two parties being the neighborhood and the developer cannot get together we have at least provided the form. If what comes out of that committee doesn't look any better, we are going to shoot it down.

The Mitchell Avenue Medical Park Committee will meet on Friday, May 23 at 9:00 a.m., in the Council Chambers at City Hall.

G-3-72 Mid-Carolina Mall Twin Cinemas – 1951 Statesville Blvd.

Glenn Ketner, Jr. submitted the application for the removal of the Twin Cinemas from the existing Mid Carolina Mall group development that is located at 1951 Statesville Blvd. All zoning criteria have been met. The Technical Review Committee recommends approval of the application, as submitted.

Rodney Queen made a motion to approve the site plan as submitted, Eldridge Williams seconded the motion with all members voting AYE.

SPECIAL USE PERMIT

Robin Oliver of 225 Independence Drive submitted a request for a Special Use Permit to operate a child daycare at her home as per Section 7.10 (III)(c). The daycare will allow up to eight (8) children and will be operated as a Child Daycare Home in her residence. All zoning criteria have been met. The Technical Review Committee recommends approval of the request, as submitted.

Those speaking in favor of the Special Use Permit:

Robin Oliver, 225 Independence Drive – Are presently fencing in property. She has a petition signed from the neighbors that it will be okay with them for her to have the daycare in the neighborhood. One lady here will oppose it, it is a family feud.

Robert Bradley, 225 Independence Drive- In favor of this because she does a great job with the kids, we are in the process of putting up a fence.

Those opposed to the Special Use Permit:

Stephanie Joyce, 475 Squirrel Run, (the daughter of Robert Bradley)- Robin Oliver has watched my kids before. I am opposed of this because she overcharged me for my children and my niece and nephews were not treated correctly. At times my daughter did not want to go, she would cry. Am not feuding with my family member at all but I am here for my children and my niece and nephew were abused to my knowledge.

Karen Melton, 175 Nazareth Home Road, Rockwell- Am here with my daughters not as a family feud but to say that I have a 17 year old son who could not be here because he is in school. At a birthday party last year and he was present and Ms. Oliver went up side his head, I

was furious because I went two years of my son's Dad hitting him up side the head. Had to deal with abuse of his Dad doing that to him. Cannot tell you what they have done to my grandchildren other than what my daughters have told me. Granddaughter has told me she didn't like it over there, that she was mean to her and she did not want to go. Don't think she deserves to have a daycare when there is child abuse involved. People look at discipline differently.

Kimberly Sanders, 235 Independence Drive (which is right next door)- Here to oppose this because of mistreatment of my children. Alcohol is allowed on the premises, my father is an alcoholic. Leaves children in her care with her 13 year old son. Firearms, loaded firearms have been in the home, we have witnessed this ourselves. Robin Oliver has been reported to DSS by Kimberly Sanders to DSS who has reported it to the North Carolina Division of Child Development who is stating that they are investigating this case. Her father, because of this, doesn't even speak to her children who live right next door. Ms. Oliver has put bruises on her little girl, left her alone when they have come home 30 minutes later and she would herself. All I am asking is if one of these allegations were true, that is one too many. Her son is here because he is witness because of things Ms. Oliver has done to him . Am asking that you definitely do not allow this because this is the one time it was caught, what if next time it is not caught and then too late.

Corey Barrow, 235 Independence Drive (Kimberly Sander's son)- Ms. Oliver used to watch him and anytime he picked with her she would slap him up side his head hard enough to make him cry. Ms. Oliver would spank him for no reason, and she would make him watch little kids and babies while he played on the computer. Picks up children by their arms and throws them on the couch and would hold them by the arm while she spanked them. Grandpa won't talk to him anymore.

Robin Oliver also stated that they have been to court with these folks over and over and it has been thrown out of court. Just went to court last week, where they sued her for \$4,000 it was thrown out, judge told them to grow up. Have had a Daycare consultant come to house twice, interviewed her and her parents, had no problem giving her the permit after she got finished going before the committees. Slander suit out against Kimberly Sanders and Stephanie Smith because of this. Have positive proof there is no neglect.

Sandy Reitz- The people who came here need to realize that a Special Use Permit has been requested by Ms. Oliver which is come before the Planning Board and if it is granted to her today. It has nothing to do with her being licensed as a daycare, that is up to the State of North Carolina Child Development Division. Whatever is going on with the family apparently, Ms. Sanders is aware that any allegations of abuse or neglect, must and need to be reported to the Department of Social Services for investigation. It has been my experience that the Department of Social Services has an obligation to share any allegations of abuse or neglect that have been confirmed with the Division of Child Development.

Sean Reid- By looking at this it seems like she will be able to get a permit. Was impressed that Ms. Oliver got signatures from the neighbors, pulled the map out showed what parcel this would be on, she really did her homework on this.

Sean Reid made the motion to approve the Special Use Permit to start a child daycare home, Sandy Reitz seconded the motion with all members voting AYE except for Rodney Queen who voted NAY.

COMMITTEE REPORTS

The Gateway Committee met at 8:00 a.m. at IHOP on Friday, April 25, (status report). Before beginning its review of the existing VCOD Ordinance as well as proposed changes, the Committee wanted to be reminded of the goals that have been set forth for East Innes Street in particular. Some of these goals have been identified as going back as far as 1995, when an Urban Design Assistance Team (UDAT) studied the corridor. These goals include (but are not limited to):

- * Creating a more pedestrian friendly environment
- * Bringing buildings closer to the street
- * Moving parking areas to the side and rear of the buildings
- * Providing enhanced landscaping
- * Encouraging less obtrusive, pedestrian scale, signage
- * Creating a more attractive environment to encourage economic development
- * Creating a more appropriate “gateway” into the downtown

The Committee discussed these and other goals for the corridor, focusing on the importance of the economic development component. In the past, discussions seemed to be more centered on appearance issues, without emphasizing the strong connection between having an attractive corridor and the resulting economic development potential.

The Gateway Committee met in the 1st Floor Conference Room of City Hall on Tuesday, April 29, at 4:00 p.m. The purpose of this meeting was to begin looking at an area along East Innes Street that maybe considered as a part of a future VCOD. The committee decided to try and take in entire properties, instead of cutting large properties in half. The committee also decided to focus just on properties that adjoined East Innes, instead of picking up additional properties on side streets. The boundaries in the proposal should be as follows: East Innes Street near the railroad street on the west (or downtown) side to (probably) Newsome Road extension to East Innes on the east (or south) side. The committee discussed both the new Faith Road intersection with East Innes (which will be near what is now Cox Lane) or the new Newsome Road intersection, which seemed to be the more reasonable choice.

The Gateway Committee met Monday, May 5, at 8:00 a.m, in the 1st Floor Conference Room of City Hall to talk more about some proposed changes in the existing VCOD (Visual Corridor Overlay District) Ordinance, which was adopted in 2000. The committee reviewed a revised ordinance prepared by Craig Lewis, from The Lawrence Group. Craig has been a consultant to the City in working with the 2020 Implementation Committee. Some of Craig’s suggestions would change the ordinance quite a bit. Craig’s suggestion is that the Visual Corridor Overlay District be renamed the Highway Corridor Overlay District. In the first section, Purpose and Intent, there are six purposes”... to enhance the economic, functional and aesthetic importance of significant streets...” The committee suggested reorganizing that listing

to place those economic well-being items at the top of the list, rather than numbers 4 and 6, as has been listed.

The next scheduled meeting is Thursday, May 8, at 11:00 a.m., in the 5th Floor Conference Room of the Norman's Building.

The Special Committee met on April 29, at 7:30 a.m. at the Rowan Regional Medical Center cafeteria. This Special Committee was appointed to review the existing zoning in proximity to the West Council Street and Jersey City neighborhoods. A recent proposal to build apartments in the area had raised the issue of compatibility of the zoning adjacent to these residential areas. In particular, a large pocket of Heavy Industrial (M-2) zoning centered along the railroad tracks deserves some study. Included in this area are the Freirich Foods plant and the former Fuch's property, as well as some other uses and vacant properties.

ZONING TEXT AMENDMENT

Staff received a letter from John Leatherman requesting a change be made in the definition of "outparcel" to allow more than one building. Among other things, his letter states: "The Planning Board and City Council have site plan review and approval safeguards. Removing the reference to one building would help with infill development. It would also help with accessory and/or secondary buildings, such as ATM locations."

John's request principally involves outparcels he has in the Winn-Dixie-Crown Plaza Shopping Center, at the intersection of Jake Alexander Blvd. West and Lincolnton Road. At the outparcel just north of his State Farm Insurance Office he would like to place two businesses, including an ice cream business.

Jeff Smith asked about Town Creek Commons, Dan Mikkelson explained that in Town Creek Commons ownership is an issue making it necessary to extend a public street into what we consider the "interior" of the commercial group development. John Leatherman's development, however, is being looked at for rental purposes, with a proposed ice cream shop being only a part of an outparcel.

Ken Mowery- Doesn't consider this to be a problem, still it is necessary for a group development to come before the Planning Board and City Council. Ken made the motion to approve the request that a outparcel be allowed to have as many as two businesses. Lou Manning seconded the motion with all members voting AYE.

There being no further business to come before the Board, the meeting was adjourned.

Chairman

Secretary

